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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,360	07/21/2006	Masami Takahashi	40869	9867
52054	7590	04/29/2009	EXAMINER	
PEARNE & GORDON LLP			RHODES, JR, LEON W	
1801 EAST 9TH STREET				
SUITE 1200			ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114-3108			2862	
			NOTIFICATION DATE	DELIVERY MODE
			04/29/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/597,360	TAKAHASHI, MASAMI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leon W. Rhodes	2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 January 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/21/2009</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The Examiner would like to thank the Applicant for their careful and through consideration of the previous Action and the thoughtful and detailed amendments and arguments presented in response thereto.
2. Applicant's arguments with respect to the Drawing Objection and the 112 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections have been fully considered and in light of the amended claims are persuasive. Examiner withdraws the Drawing objection as well as the 112 1<sup>st</sup> and 112 2<sup>nd</sup> rejections of the claims as being no longer applicable to the claims as amended.
3. Applicant's arguments with respect to the prior art rejections of claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

4. The Examiner notes that copies of the foreign references cited in the IDS submitted by Applicant have been received. Examiner has thoroughly considered each of the provided references, and a marked-copy of the submitted IDS indicating this is being provided with this Action.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

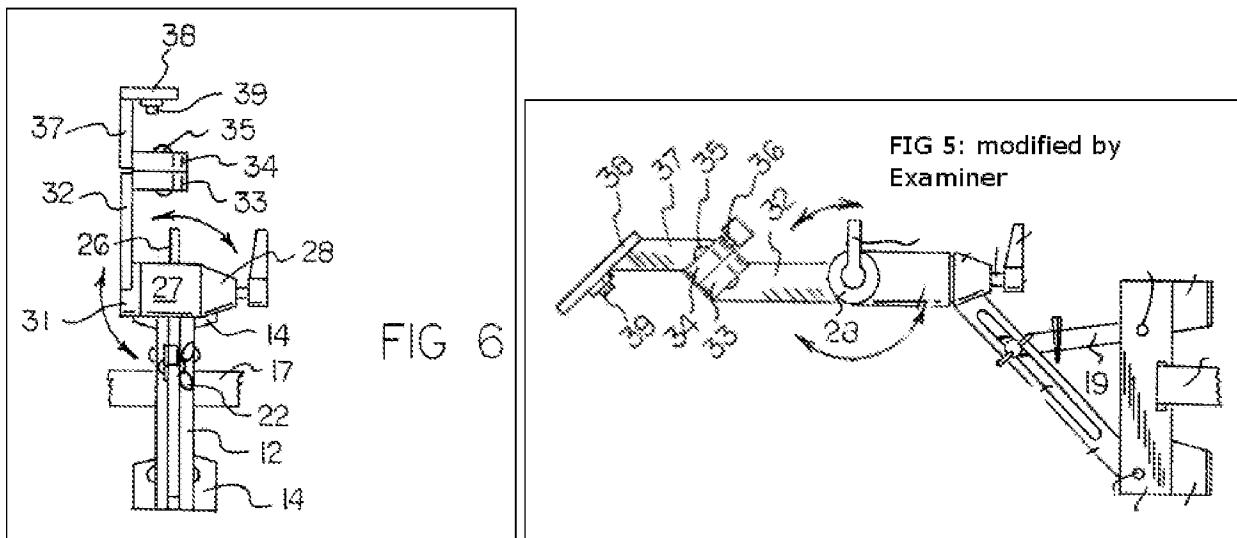
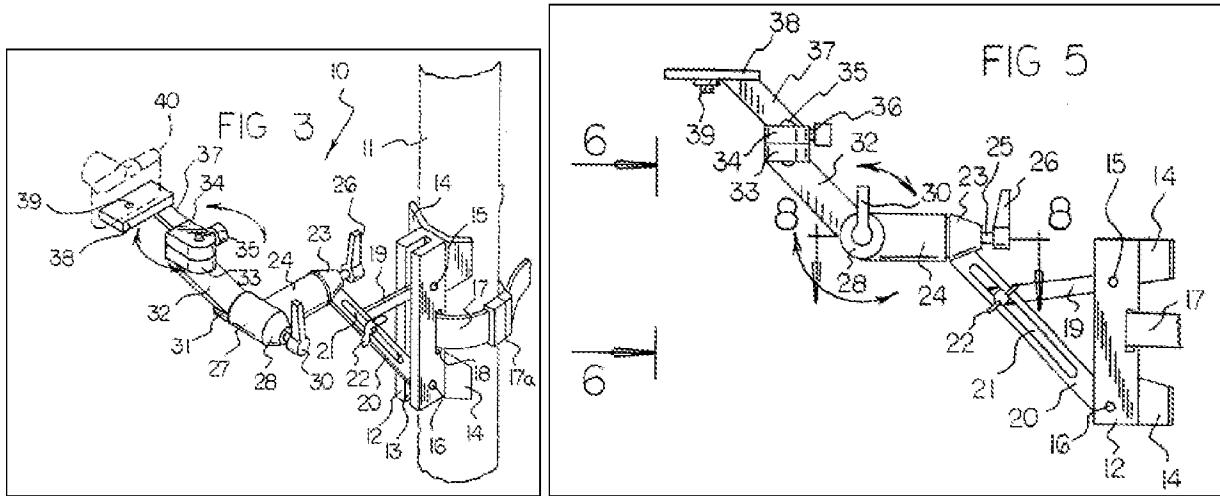
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Labree (US Patent 5,497,214).

7. With regard to claim 1: Labree, in figures 3, 5, and 6 (provided below for convenient reference), a camera installation device **10** comprising: a camera installation base **12** (bifurcated support boss) having an installation member **17** (flexible strap) for a camera installation surface (a pole **11** in the embodiment shown); and a camera support section **38** (support plate) and configured so as to support the camera **40**, wherein the camera installation member and the camera support section are coupled by a coupling section (a combination of **34**, **33**, **36**, and **35**, which together comprise a lockable rotating joint) having a fitting structure (axel **35** serves to hold the structure together) and wherein the coupling direction of the fitting structure between the camera installation base and the camera support section is inclined relative to a direction vertical to the camera installation surface (column 2, lines 57-65 discloses that the structure of Labree is designed to be articulated into an infinite number of arrangements, but of particular applicability is an arrangement similar to the arrangement shown in Figure 5, but where the second pivoting part is pivoted, resulting in the coupling direction of the camera support being inclined relative to the vertical direction of the installation base. This situation is illustrated by the Examiner in a **modified version of Fig 5**, shown below), and the coupling angle of the camera support section with respect to the camera installation base is variable (as indicated by the arrows around the rotating joint in Fig 3). The coupling angle between the camera support section with respect to the camera installation base is varied by changing an installation angle of the coupling section with the fitting structure between the camera support section and the camera

installation base (the angle of the top section of the coupling section **34**, best seen in Fig 6, is rotated with respect to the bottom section **33**, around axel **35**).



8. With regard to claim 2: Labree discloses that the camera installation device is configured to position the camera in a myriad of configurations, and as depicted above by the Examiner, one (and possibly many more) of those configurations results in the angle of inclination of the coupling support section being 45 degrees, and the camera support section can be inverted on the coupling reference surface by rotating the upper section **34** 180 degrees, resulting in the camera

support section pointing back toward the camera installation base. While this configuration is not expressly noted, it is an inherent configuration from the structure shown in the drawings.

9. With regard to claim 3: The structure of Labree can be installed on either an upper side or a lower side of the camera. As shown, Labree is connected to the lower side of the camera, with respect to the observer. Labree can also be connected to the upper side of the camera. This is because Labree uses a screw **39** to hold the camera in place on the camera support section, and the camera support section can be flipped entirely over (for example by rotating the section **24** by 180 degrees or by simply mounting the entire structure upside-down) resulting in camera support section being connected to the upper side of the camera, with respect to the observer. The Examiner notes that if the camera is intended to remain in the same orientation for both situations of being the support section connected to the upper and lower side, that the required structure would be on the camera itself (the camera would need a connection interface on two opposing sides of the body) instead of the camera installation device. No such structure is claimed.

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labree in view of Ryder (US Patent 2,498,137).

12. Labree as applied to claim 1 above, does not teach that the camera installation device includes a camera wiring hole.

13. Ryder teaches in Figs 1 and 2 a camera mounting device which includes a camera wiring hole (seen in the cutaway view in Fig 3) which is provided to communicate the camera installation base (the handle where the photographer is holding the support, **C**) with the camera support section. The camera wiring hole is used to route a remote shutter release **B** so that it would be more convenient for the photographer and allows for the camera itself to not be shaken during shutter release (column 1 lines 19-22 and lines 30-33).

14. It would have been obvious to a person having ordinary skill in the art at the time of the invention to used to shutter release routed thought the camera support of Ryder in the camera support of Labree in order to allow the shutter release to be better positioned for an operator and to allow photographs to be taken without risking shaking the camera.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Honda (JP 05-207340 A, English Abstract attached) teaches a camera with mounting

sections on both the upper and lower faces of the camera in order to allow it to be mounted in a multitude of ways.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon W. Rhodes whose telephone number is 571-270-5774. The examiner can normally be reached on Monday thru Thursday 07:00 thru 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher E Mahoney/  
Primary Examiner, Art Unit 2862

/Leon W Rhodes/  
Examiner, Art Unit 2862  
April 20, 2009